

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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William McDermott,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Rich Margante, Commissioner
(or present Commissioner);
Internal Revenue Service; Brent
Chochran; Minnesota Department
of Revenue; State of Minnesota;
J. Bonnie Rehder, Recorder Clay
County, Minnesota; and Lori
Johnson, Auditor/Tax Assessor
Clay County, Minnesota

Defendants.

Civ. No. 06-1071 (JMR/RLE)

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This matter came before the undersigned United States Magistrate Judge pursuant to a general assignment, made in accordance with the provisions of Title 28 U.S.C. § 636(b)(1)(B), upon the Plaintiff's Application for leave to proceed in forma pauperis ("IFP"). The Plaintiff appears pro se and, in view of the fact that his Complaint has yet to be served, no appearance has been made on behalf of the Defendants.

The Plaintiff commenced this action under Title 42 U.S.C. §1983, alleging violations of his Federal Constitutional Rights. Docket No. 1. The Plaintiff's Complaint was accompanied by an Application for leave to proceed IFP, which is now before the Court, and which must be addressed before any other action is taken in this matter.

Our review of the file discloses that the Plaintiff has already paid the full \$250.00 filing fee for this action, and accordingly, he does not need IFP status to obtain a waiver of the filing fee that is required by Title 28 U.S.C. §1914(a). Moreover, the Plaintiff has not submitted any United States Marshal Service forms, or any extra copies of his Complaint, nor has he otherwise suggested that he is seeking to have the United States Marshal effect service of process on the named Defendants.

Since the Plaintiff does not appear to be seeking IFP status for the customary reasons -- i.e., for a waiver of the Clerk's filing fee, or for service by the United States Marshal -- and since he has not demonstrated any other need for IFP status at this time, we recommend that his current IFP Application be denied, as moot.

NOW, THEREFORE, It is--

RECOMMENDED:

That the Plaintiff's Application for Leave to Proceed in forma pauperis [Docket No. 2] be denied, as moot.

Dated: March 23, 2006

s/Raymond L. Erickson

Raymond L. Erickson

CHIEF U.S. MAGISTRATE JUDGE

N O T I C E

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than April 7, 2006**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than April 7, 2006**, unless all interested parties

stipulate that the District Court is not required by Title 28 U.S.C. §636 to review the transcript in order to resolve all of the objections made.